

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**UNIPENSION
FONDSMÆGLERSELSKAB, et al.,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

BANK OF AMERICA CORP., et al.,

Defendants.

Civil Action No. 1:13-cv-04979

Hon. Milton I. Shadur

**STIPULATION SETTING TIME FOR DEFENDANTS TO
ANSWER, MOVE, OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT**

WHEREAS, on May 3, 2013 plaintiff Sheet Metal Workers Local No. 33 Cleveland District Pension Plan filed a complaint in Case 1:13-cv-3357 (Shadur, M.) and filed an amended complaint on July 12, 2013 (the “Sheet Metal Workers case”) in the Northern District of Illinois;

WHEREAS, on July 11, 2013, plaintiffs Unipension Fondsmæglerselskab, Arkitekternes Pensionskasse, MP Pension-Pensionskassen for Magistre & Psykologer, and Pensionskassen for Jordbrugsakademikere & Dyrlæger filed a complaint in Case 1:13-cv-4979 (Norgle, C.) and filed an amended complaint on August 2, 2013 (the “Unipension case”) in the Northern District of Illinois;

WHEREAS on July 16, 2013, plaintiff Value Recovery Fund LLC filed a complaint in Case 13-cv-4928 (Berman, R.) (the “VRF case”) in the Southern District of New York;

WHEREAS on July 29, 2013, plaintiff LBBW Asset Management Investmentgesellschaft GmbH filed a complaint in Case 1:13-cv-5413 (St. Eve, A.) (the “LBBW case”) in the Northern District of Illinois;

WHEREAS on July 29, 2013, plaintiff MF Global Capital LLC filed a complaint in Case 1:13-cv-5417 (Kennelly, M.) (the “MF Global case”) in the Northern District of Illinois;

WHEREAS on August 1, 2013, the Unipension case and on August 8, 2013, the MF Global and LBBW cases, respectively, were reassigned to the Honorable Milton Shadur, who is now presiding over the Sheet Metal Workers, Unipension, LBBW and MF Global cases;

WHEREAS, a status conference is scheduled for October 16, 2013 in the Sheet Metal Workers case;

WHEREAS on August 1, 2013, plaintiff Essex Regional Retirement System filed a complaint in Case 1:13-cv-5388 in the Southern District of New York, but voluntarily dismissed that case on August 7, 2013, and re-filed it in the Northern District of Illinois on August 12, 2013 (the “Essex Regional case”);

WHEREAS, the allegations in the aforementioned lawsuits are substantially similar;

WHEREAS other plaintiffs may file additional complaints in the Northern District of Illinois or elsewhere asserting substantially similar allegations as in the aforementioned lawsuits (“Related Actions”); and

WHEREAS, on July 16, 2013, plaintiff Sheet Metal Workers moved the Judicial Panel on Multidistrict Litigation (“JPML”), MDL No. 2476, In re Credit Default Swaps Antitrust Litigation, to consolidate in this Court the foregoing Sheet Metal Workers, Unipension, and VRF cases and any Related Actions, including the MF Global, LBBW, and Essex Regional cases, for purposes of pre-trial proceedings including the filing of a single consolidated complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. The undersigned counsel accept service of the First Amended Class Action Complaint in the Unipension case (“the Unipension Amended Complaint”) for their respective clients

named in the Unipension Amended Complaint without waiver of any defenses, including those related to personal jurisdiction and venue.

2. Defendants' time to answer, move, or otherwise respond to the Unipension Amended Complaint is hereby suspended while JPML proceedings are pending, provided that:
 - i. upon resolution of the JPML consolidation proceedings, the parties shall confer in good faith about a schedule for filing and responding to whatever consolidated complaint is ultimately to be filed in the court determined by the JPML, with the filing to be not less than 45 days following such resolution by the JPML and any ensuing motion to dismiss such consolidated complaint being briefed pursuant to a 60-60-30 day schedule; and
 - ii. if defendants' time to answer, move, or otherwise respond to a complaint in any Related Action or other pending action is not similarly suspended pending the JPML proceedings, the suspension set forth herein shall end and the parties shall meet and confer in good faith concerning the schedule in this action, with defendants preserving all rights to seek from the Court an order suspending any response pending resolution of the JPML proceedings.

Dated: August 26, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2013, I electronically filed the foregoing **Stipulation Setting Time for Defendants to Answer, Move, or Otherwise Respond to the Amended Complaint** with the Clerk of the Court using the CM/ECF system, which will automatically send a notice of electronic filing to all persons registered for ECF as of that date, and that I caused the foregoing to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

By: /s/ George A. Zelcs
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